

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

DTA 11/15/17  
 United States of America )  
 v. )  
 Nery Abraham Armenta )  
 a.k.a: David Estrella-Leal, )  
 a.k.a: Nery Abraham Estrella-Leal, )  
 a.k.a: Nery Abraham Armenta Estrella )  
 (A098 916 168)

Case No. 17-563MT

Defendant**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of December 6, 2013, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Nery Abraham Armenta, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about October 26, 2009, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated By Reference Herein**

CEB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA James R. Knapp

☒ Continued on the attached sheet.



Complainant's signature

Salvador Delgado II,  
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: November 16, 2017



Judge's signature

City and state: Phoenix, Arizona

Michelle H. Burns,  
United States Magistrate Judge

Printed name and title

### **STATEMENT OF PROBABLE CAUSE**

I, Salvador Delgado II, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On December 6, 2013, Nery Abraham Armenta was booked into the Maricopa County Jail (MCJ) by an unknown police department on an outstanding warrant from Tucson, Arizona. While incarcerated at the MCJ, Estrella-Leal was examined by Deportation Officer S. Rothermel who determined Armenta to be a Mexican citizen, unlawfully present in the United States. On the same date, an immigration detainer was lodged with the county jail. On November 15, 2017, Armenta was released from the Arizona Department of Corrections and transported to the Florence ICE office for further investigation and processing. Armenta was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Nery Abraham Armenta to be a citizen of Mexico and a previously deported criminal alien. Armenta was removed from the United States to Mexico through Nogales, Arizona, on or about October 26, 2009, pursuant to an order of removal issued by an immigration judge. There is no record of Armenta in any Department of Homeland Security database to suggest that he

obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Armenta's immigration history was matched to him by electronic fingerprint comparison.

4. On November 15, 2017, Nery Abraham Armenta was advised of his constitutional rights. Armenta freely and willingly acknowledged his rights and agreed to provide a statement under oath. Armenta stated that his true and complete name is Nery Abraham Armenta and that he is a citizen of Mexico. Armenta stated that he illegally entered the United States at or near Agua Prieta, on an unknown date in 2011, without inspection by an immigration officer. Armenta further stated that he had been removed from the United States to Mexico and did not receive permission from the Secretary of the Department of Homeland Security to re-enter the United States after his removal.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about December 6, 2013, Nery Abraham Armenta, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States

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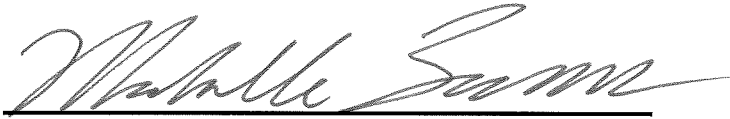
at or near Nogales, Arizona, on or about October 26, 2009, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



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Salvador Delgado II,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 16<sup>th</sup> day of November, 2017.



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Michelle H. Burns,  
United States Magistrate Judge